

King, C. J. who delivered the opinion of the court, compared it to the case of constables and other *annual officers, who are good officers after the year is out, until another is elected and sworn.*" In this case, the charter of the town directed, that the election of Aldermen should be made annually, and that the election of Mayor should be held in the presence of the Aldermen. The Aldermen, in whose presence *Prowse* had been elected Mayor, had not been elected annually, but held their offices of Aldermen in virtue of an election held some years before. *Prowse's* election was held to be valid. To the same effect, substantially, are the following decisions, viz: *Hicks vs. Town of Launceston*, 1 *Rolle's Abridgment*, page 513. *Queen vs. The Corporation of Durham*, 10th *Modern Reports*, page 146. *Smith vs. Smith*, 3d *Equity Reports of South Carolina*, and *The People vs. Runkles*, 9th *Johnson's New York Reports*, page 147, in which all the other cases here mentioned, and several Text Books, are cited as authorities.

The continuance of the Senate, until superceded by the election of successors being thus settled in our minds beyond a doubt, we should at once have called the General Assembly together, with a view of their making provision for the election of other electors in the place of those who had refused and neglected to attend the College and perform their duty, but for the additional excitement and misconstruction of motive, which we apprehended would be produced in the public mind by such a step, during the pendency of the recent election of electors of President and Vice President of the United States, and we determined to call the General Assembly for that purpose, immediately after that election should be over, without regard to, or intention to be influenced in the least by, what might be the result of that election.

Considering that the spirit of the Constitution, and the plain intent of its framers require that the term of Senators shall be terminated by the election of successors every five years, or as soon thereafter as circumstances may admit of, our first object in convening the General Assembly was, that they might pass a law providing for the election of Electors of the Senate, in the place of those who had refused or neglected to attend the College and perform their duty. That the General Assembly have